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Attorney for Defendant  
5 FREDERICK LEAVITT

6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA  
8

9 UNITED STATES OF AMERICA, ) 2:17-CR-391-APG-VCF  
10 )  
11 Plaintiff, )  
12 ) STIPULATION AND ORDER TO  
v. ) CONTINUE SENTENCING  
13 )  
14 FREDERICK LEAVITT, )  
15 ) (Fourth Request)  
Defendant. )  
16 )

17 IT IS HEREBY STIPULATED by and between FREDERICK LEAVITT, Defendant, by  
18 and through his counsel THOMAS F. PITARO, ESQ. and PAUL PADDA, ESQ., and  
19 NICHOLAS TRUTANICH, United States Attorney, and STEVEN W. MYHRE, Assistant  
20 United States Attorney, that sentencing in the above-captioned matter, currently scheduled for  
21 December 8, 2020 at the hour of 2:00 p.m., be vacated and continued to no earlier than on or  
22 after August 2, 2021, or to a date and time to be set by this Honorable Court. This is the fourth  
23 request for continuance of Mr. Leavitt's sentencing date and is entered for the following reasons:  
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25 1. Because of the COVID-19 pandemic and consistent with federal directives, Mr.  
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27 Leavitt's sentencing was previously continued in order to allow Mr. Leavitt an in-  
28 person sentencing hearing with family and other supporters in attendance.

2. In addition to ongoing uncertainties and health concerns due to the COVID-19 pandemic, the parties require at least until August 2, 2021 to determine their positions at sentencing and to adequately prepare for sentencing. In particular, the parties continue to engage in negotiations regarding this and other matters, including issues related to restitution, which both parties believe could potentially have a significant impact on this Court's rendition of sentence. A continuance of this length should enable the parties to avoid asking for additional continuances of the sentencing hearing.

3. Counsel for the defendant Leavitt and the Government agree to the continuance.

4. Defendant Leavitt is out on Pretrial Release and does not object to the continuance.

5. The additional time requested herein is not sought for purposes of delay.

6. Additionally, denial of this request for continuance would result in a miscarriage of justice.

7. For the above-stated reason, the ends of justice would best be served by a continuance of the Sentencing date.

Respectfully submitted this 16th day of November 2020.

PITARO & FUMO, CHTD.

NICHOLAS TRUTANICH  
UNITED STATES ATTORNEY

/s/  
\_\_\_\_\_  
THOMAS F. PITARO, ESQ.  
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601 LAS VEGAS BOULEVARD, SOUTH  
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ATTORNEYS FOR DEFENDANT  
FREDERICK LEAVITT

/s/  
\_\_\_\_\_  
STEVEN W. MYHRE  
ASSISTANT UNITED STATES ATTORNEYS  
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LAS VEGAS, NEVADA 89101

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

|                           |   |                             |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, | ) | 2:17-CR-391-APG-VCF         |
|                           | ) |                             |
| Plaintiff,                | ) |                             |
|                           | ) |                             |
| v.                        | ) |                             |
|                           | ) | <b>ORDER ON STIPULATION</b> |
| FREDERICK LEAVITT,        | ) |                             |
|                           | ) |                             |
| Defendant.                | ) |                             |
| _____                     | ) |                             |

This matter coming on the parties' Stipulation to Continue Sentencing, the Court having considered the premises therein, and good cause showing, the Court accepts the Stipulation of the parties and finds as follows:

1. The parties agree to the continuance requested in the Stipulation;
2. The parties state they require at least until August 2, 2021 in order to determine their positions at sentencing and to adequately prepare for sentencing. The defense requires this additional time in order to effectively represent Mr. Leavitt at sentencing. The parties further state that a continuance of this length should enable them to avoid requesting additional continuances of the sentencing hearing.
3. Defendant Leavitt is out of custody and does not object to the continuance.

1           **IT IS THEREFORE ORDERED** that SENTENCING currently scheduled for  
2 December 8, 2020 at the hour of 2:00 p.m., be vacated and continued to this 17th day  
3 of August, 2021, at the hour of 10:30 a.m. in Courtroom 6C.

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5           **IT IS SO ORDERED**, this is 17th of November, 2020.

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8 ANDREW P. GORDON  
9 UNITED STATES DISTRICT JUDGE  
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